REMARKS

Claims 1-3 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention; claims 1 and 3 are rejected under 35 U.S.C. § 102(e) as being anticipated by West, et al. (Publication No. 2003/0161 901 A1); claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wadsworth, et al. (U.S. Patent No. 6,254,913); claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yegorava (U.S. Patent No. 6,403,086); claims 1 and 3 are rejected under 35 U.S.C. § 102(b)as being anticipated by Hahn, et al. (U.S. Patent No. 6,405,948); claims 4, 5 and 7 are rejected under 35 U.S.C. § 102(b)are rejected by the publication from www.nukahivtrading.com/noni.htm (2/07/2002); and claim 6 is rejected under 35 U.S.C. § 102(b) as being anticipated by publication from www.incc.org/news_june.htm (June 2002).

Rejections under 35 U.S.C. § 112

Applicant deleted the claim limitation for pulp from the presently amended claims. Accordingly, Applicant respectfully submits that the presently amended claims are fully supported by the originally filed application.

Rejections under 35 U.S.C. § 103(a)

The claims of the present invention have been amended to include limitations which are not recited in the prior art. Accordingly, the prior art cited does not teach in every element as set forth in the invented claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described,

in a singe prior art reference." Verdegall Bros. v. Union Oil Co. of California, 814 F. 2d 628, 631 (Fed. Cir. 1987). The composition claims of the present invention have been amended to include the claim limitation "a fertilizer comprising: processed Yaeyama Aoki Juice; processed Yaeyama Aoki Leaves and processed Yeayama Aoki Seeds, wherein said Yaeyama product is diluted by a factor of about 200 - 300 times in weight with water." The prior art fails to teach a fertilizer comprising each and every limitation recited in the amended claim set. Additionally, the art cited fails to suggest the combination of the recited elements in a fertilizer. Finally, the art fails to suggest diluting liquid Yaeyama Aoki product by a factor of 200 - 300 times in weight with water.

West does not teach a *Morinda citrifolia* product that has been diluted by a factor of 200-300 times in weight with water. Rather, West discloses the use of a fruit juice and pulp mixture with water having a moisture content of 0.1 to 80%. Accordingly, West disclosed a fruit juice with pulp that had particular moisture content. As noted in the specification of the present invention, the *Morinda citrifolia* product utilized was already in a liquid form, similar to the liquid form utilized by West. However, the liquid form utilized in the present invention was subsequently diluted by a factor of 200-300 times the weight in water. Accordingly, West discloses a product which is 200-300 times more concentrate than the product of the present invention. Because the amended claims are outside of the range disclosed by West, they are not anticipated by the teachings of West. Additionally, West fails to disclose the combination of *Morinda Citrifolia* juice, leaves and seed.

Yegorova does not teach the combination of *Morinda citrifolia* juice, leaf and seed diluted by a factor of 200-300 times. Rather, Yegorova teaches a first extract of

Morinda citrifolia in water in a ratio of 1:4 fruit to water. Because the present invention claimed a composition comprising processed Yaeyama Aoki products diluted by a factor of 200-300 times, Yegorova does not teach all of the claim limitations of the presently claimed invention. Accordingly, Yegorova does not anticipate the claims as amended.

Hahn does not teach the combination of juice, leaf and seed diluted by a factor of 200-300 times. Rather, Hahn teaches extracting plant matter such as from *Morinda citrifolia* fruit in water, and teaches a 30% water extract of Noni fruit. Accordingly, Hahn fails to disclose the combination of juice, leaf and seed. Further, Hahn fails to disclose the claimed dilution range. Accordingly, Hahn does not anticipate the claims as amended.

The www.nukahivtrading.com publication ("Nuka") teaches that the leaves of *Morinda citrifolia* are crushed and used to treat bruises, boils, sores and abrasions. Nuka fails to disclose combining product extracted from the leaves of *Morinda citrifolia* with seeds and juice of *Morinda citrifolia.* Nuka additionally fails to disclose diluting the *Morinda citrifolia* by about 200-300 times in weight with water. Accordingly, Nuka fails to teach each and every element of the presently amended claim set.

The www.incc.org publication ("INCC") fails to disclose each and every element of the presently amended claim set. INCC discloses that "even the seeds were roasted and eaten." INCC fails to teach or suggest combining the seeds, leaves and fruit juice of *Morinda citrifolia* to produce a fertilizer which is diluted to 200-300 times prior to applying to soil or agriculture. Accordingly, INCC fails to anticipate or render obvious the claims of the present invention.

Based on the foregoing, Applicant respectfully submits that the art cited does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art references cited by the Examiner. As such, Applicant believes that the claims are now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 30 day of September, 2005.

Respectfully submitted,

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Doc#839015